



**KINGSTON PLANNING BOARD  
MEETING MINUTES  
December 8, 2014  
Common Council Chambers – 6:00 PM**

**NOTES:** (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings are conducted after open public speaking and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on December 8, 2014, in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte.

**BOARD/ALTERNATE MEMBERS PRESENT:** Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, Robert Jacobsen, MaryJo Wiltshire, Charles Polacco, Jonathan Korn and Jamie Mills.

**BOARD/ALTERNATE MEMBERS ABSENT:** William Tubby.

**REGULAR BUSINESS:**

**Item #1:** Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke at the public hearing. Chairman Platte closed the open public speaking.

**Item #2:** Adoption of the November 10, 2014 Planning Board minutes.

**Discussion:** Chairman Platte asked the Board if they had time to review the minutes and if they proposed any changes. All agreed that there were no questions, comments or corrections.

**Decision:** The Board voted unanimously to adopt the November 10, 2014 Planning Board minutes. (WP, CP, JD, MW, RJ – yes)

**PUBLIC HEARINGS:**

**Item #3:** #718 Broadway SPECIAL PERMIT renewal for satellite dish antennae. SBL 56.25-1-7. SEQR Determination. Zone C-2. Ward 2. WKNY/applicant; Page Five LLC/owner.

**Discussion:** No one spoke at the public hearing. Staff explained that the applicant could not be present because he was occupied at the radio station.

The application is for the renewal of a roof-mounted satellite dish antenna located at WKNY radio station on Broadway. The dish is a 3.3-meter stationary satellite used to receive only. The most recent renewal was in December 2009 for a period of 5 years.

There have been no changes to the permit since the previous renewal and no issues listed with the Building Safety Division.

A term for the special permit was discussed. The Board agreed to continue the 5 year term.

A determination of environmental significance was considered. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (20), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board was required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 5 years to expire on December 8, 2019 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

**Item #4:**     **#88-110 Rondout Landing** SPECIAL PERMIT renewal for restaurant use. SEQR Determination. SBL 56.43-6-3 & 4. Zone RF-R, Heritage Area. Ward 8. Keith Slifstein/applicant; JKJ Properties, LLC/owner.

**Discussion:** No one spoke at the public hearing. Keith Slifstein was present at the meeting. The proposal is for the renewal of the special permit to operate a restaurant in the RF-R zone. The original application was approved on March 8, 2004 with periodic renewals ranging from 6 months to 2 years. The most recent approval was in December 2012 for a period of 2 years.

A police incident report was received for the last year. During previous renewals the police reports had been a major point of discussion. The owners have made positive changes to reduce the number of calls and address improper behaviors. Security was hired and the relationship with the police department has been improved. Thierry Crozier, supervisor of the detective division, stated that the number of calls had dropped off.

A term for the special permit was discussed. The Board agreed to continue the 2 year term.

A determination of environmental significance was discussed. However, because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 2 years to expire on December 8, 2016 with all original conditions carried forward. (WP, MW, JD, CP, RJ – yes)

**Item #5:**     **#20 North Street** SPECIAL PERMIT to rent 2 rooms in an owner occupied home. SBL 56.36-1-25. Zone RF-R. Ward 8. Aldo & Elenice Sensini; applicant/owner.

**Discussion:** No one spoke at the public hearing. The applicant was not present to discuss the application for a special permit to rent 2 rooms.

**Decision:** The Board voted unanimously to table the application for a special permit to rent two rooms and request that the applicant be present to discuss the application. (WP, RJ, JD, MW, CP – yes)

**Item #6:**     **#40 Broadway (20-42 Broadway)** SPECIAL PERMIT renewal for outside dining. SBL 56.43.8.61.1. SEQR Determination. Zone RLC, Heritage Area. Ward 8. Dermott Mahoney/applicant; 30 Kingston Realty Corp/owner.

**Discussion:** No one spoke at the public hearing. Dermott Mahoney was present at the meeting. The application is for renewal of a special permit for outdoor dining at Dermott Mahoney's Irish Pub.

Over the past few years the Board had received complaints with regard to noise from the restaurant and bar. The owner has worked to reduce the number police incidents and noise complaints with the most recent report having far fewer incidents than in the past.

Staff requested an updated police report from KPD to be reviewed with the applicant. There are 3 noise complaints listed in the past year on the report with only 14 incidents total. The report demonstrated a significant reduction in the number of incidents at this location. The Planning Office has not received any direct complaints from the Police Department or surrounding property owners regarding this location.

A term for the permit was discussed. The Board agreed to renew the permit for a period of 2 years.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 2 year to expire on December 8, 2016 with all original conditions carried forward. (WP, RJ, JD, MW, CP – yes)

**Item #7:**     **#111 Abeel Street** SPECIAL PERMIT renewal to establish ground floor commercial with 6 residential units in an existing building. SBL 56.43-2-28. Zone RT, Rondout Historic District, Heritage Area. Ward 8. Michael Piazza; applicant/owner.

**Discussion:** No one spoke at the public hearing. Michael Piazza and Paul Jankovitz were present at the meeting. The application is to renew the special permit for a mixed use structure with retail/office space on the ground floor and 6 one-bedroom apartments in the upper 3 floors. Previous use included an art gallery on the 1st floor and storage on the upper floors.

P. Jankovitz explained to the Board that the owner would like to begin with construction of the apartments at 50 Abeel Street before beginning work at 111 Abeel Street. M. Piazza added that the reason for this is that the 50 Abeel Street work is mainly interior work that can be done

during winter months. M. Piazza told the Board that he plans to add Juliet balconies to the Abeel Street façade and other exterior work which will require him to wait until spring to begin.

P. Jankovitz said that he is currently working with Paul Andreasen from NYS to request a variance from the requirement for 2 stairways from the 4<sup>th</sup> floor. He explained that because the building is fully sprinklered, the first three floors are not required to have 2 means of egress. P. Jankovitz said that they are requesting the variance to allow for more living space within the apartments. The current configuration requires a staircase at each end of the building which takes away from the apartment units on all floors. The Board agreed to allow any interior changes to the number of staircases or the means of ingress and egress to be handled by staff rather than return to the Planning Board.

During the original approval, the Board waived the requirement for 17 parking spaces. The owner has expressed that he is actively seeking parking for the buildings he owns in the Rondout District.

A term for the special permit was discussed. The Board agreed to renew the permit for 2 years to allow the owner time to

A determination of environmental significance was discussed. Because the project involved no changes and was purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 2 years to expire on December 8, 2016 with all original conditions carried forward. Any changes to the interior layout based on the placement of the stairways will be submitted to staff for review and signoff. (WP, RJ, JD, MW, CP – yes)

**Item #8:**      **#9 Hone Street** SPECIAL PERMIT to renovate an existing structure to create 2 residential apartment units with a 450sf ground level art gallery. SEQR Determination. Zone RT, HLPC, HAC. Ward 8. Michael Piazza; applicant/owner.

**Discussion:** Michael Piazza, owner, and Paul Jankovitz, AIA, were present at the meeting. The proposal is to create 2 apartments and an art gallery in an existing single family home. The appearance of the structure shows that the ground floor had been a commercial component of the single family home at one time. For a number of years the commercial component has not been utilized.

Paul Jankovitz, , presented floor plans and elevations. The ground floor will have a small gallery space with a bathroom and a mechanical equipment room. The 1<sup>st</sup> floor will be a 1 bedroom unit with a living room, kitchen, bathroom and access to the front porch. The 2<sup>nd</sup> floor will be a 2 bedroom unit with a rear deck and stairs to the ground.

M. Piazza explained that the intention is to renovate the structure and to keep the character of the building. P. Jankovitz told the Board that they had brought the elevation drawings to the Historic Landmarks Preservation Commission and that they approved the drawings. He added

that the exterior would remain almost exactly as it is now except for the railing would be raised to meet the NYS Building Code requirements and the windows on the second floor would be enlarged to meet the requirement as a second means of egress.

K. Haber asked whether the art gallery would be utilized by one of the residential tenants in the building. M. Piazza stated that he will rent each space individually, the gallery would not necessarily be the same tenant of the apartments.

The applicants informed the Board that there is parking for the building in the rear that is accessed by the undeveloped road known as Maiden Lane. There is enough parking for two cars. The requirement for parking is 1.5 for 1-bedroom and 2 space for 2-bedroom units. The art gallery requires 1 space per 300sf. The total requirement for the structure is 5 spaces. The Board agreed that accommodating even a fraction of the parking required by the zoning code is important for the neighborhood and that they would waive the remaining 3 spaces required.

A term for the permit was discussed. The Board agreed to issue a 1 year term for the special permit.

The project is considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

**Decision:** The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for 2 residential units and 450sf of art gallery space for a period of 1 year to expire on December 8, 2015. A waiver of the off street parking for three spaces was granted. Historic Landmarks Preservation Commission and Heritage Area Commission approvals are required and should be submitted. (WP, RJ, JD, MW, CP – yes)

#### **OLD BUSINESS:**

**Item #9:**        **#474 Broadway** SITE PLAN for renovations to an existing commercial building. SBL 56.26-9-29.100. Zone C-2, BODD. Ward 5. LA Kingston, Lillian & Arthur Nazginov; applicant/owner.

**Discussion:** No one was present at the meeting to represent the application. Staff explained that the applicants and their architect have not finalized the plans for the building at this time. They request that the Board table the application.

**Decision:** The Board voted unanimously to table the application. (WP, RJ, JD, MW, CP – yes)

**Item #10:**        **Hudson Landing Development** SITE PLAN to construct a waterfront promenade. Zone TNDOD. Ward 8. Kingston Landing Development LLC.; applicant/owner.

**Discussion:** Daniel Simone and Stephen Finkle were present at the meeting to represent AVR/Hudson Landing Development LLC. Revised plans, dated 10-24-14 were submitted by the applicants for consideration.

D. Simone presented the plans to the Board explaining that the work on the promenade would begin in the North Cove in the Town of Ulster. Sections of the walkway would be constructed to a near complete state on the north end known as “Shultz Wharf” and “Staples Warf”. The southern end of the promenade would be a 10ft. wide compacted stone dust path. Stone dust existing on the site would be utilized for the construction.

D. Simone explained that the Hudson Landing Design Review Committee approved the promenade plans after making minor suggestions. One of the suggestions that came out of the HLDRC was to include only limited furniture and fixtures at this point of the construction. Limiting the fixtures would help to alleviate concern about vandalism. S. Cahill added that another recommendation was to rework the landscape plan to incorporate plantings indigenous and so there is not only one species throughout the design.

D. Simone explained that much of the shore will be accessible, however, decorative fencing will be installed in areas where the elevation change is more drastic.

Storm water and drainage were considered throughout the development of the plans. Green infrastructure will be used throughout the design including stormwater retention areas, swales and native planting. Limited removal of existing vegetation will keep the pathway natural and help to keep maintenance requirements low.

The Board questioned the long term maintenance of the promenade. D. Simone told the Board that the developer has always intended to dedicate the open space areas, including the promenade, to the City and the Town. Their intentions to transfer ownership have not changed. He explained that discussions have taken place with other entities that may assist in stewardship. S. Finkle said that the Bruderhoff Community have agreed to maintain the promenade for 1 year and that this agreement may be extended in the future. The Board expressed concern about the future long term ownership. S. Finkle added that discussions have taken place with the Kingston Land Trust regarding future ownership and maintenance as well. S. Cahill cautioned that whatever is resolved, the OSMP must be finalized and accepted by both the City of Kingston and the Town of Ulster.

The Board asked about the next steps. D. Simone told the Board that the Open Space Management plan is required to be adopted by the City and the Town. The promenade plans will need to be approved by the Town of Ulster Planning Board and Town Board.

**Decision:** The Board voted unanimously to approve the site plan for the promenade with the following conditions: incorporation of final comments from the Hudson Landing Design Review Committee, consistency review by the Heritage Area Commission, approval of the Open Space Management Plan, approval by the Town of Ulster, and Board Policies: 1, 1a, 3, 3a, 3b, 4, 4a, 5, 6, 7, 7a, 8, 8a, 9, 10, 13, 14 and 14a. (WP, CP, JD, MW, RJ – yes)

#### **PERFORMANCE BONDS:**

**Item #11:**     **#165 Cornell Street** REQUEST FOR REDUCTION of the performance bond for the Lace Factory. SBL 48.82-1-26.100. Zone M-2. Ward 6. Lace Mill Limited Partnership/owner.

**Discussion:** S. Cahill explained that RUPCO requested a partial release of the performance bond for site work that was completed at the Lace Factory. A spreadsheet was presented to the Board showing the percentage of work completed and the dollar amount associated with each portion. S. Cahill stated that based on review by herself and the City Engineer, it is recommended that the bond be reduced by \$82,498.00.

**Decision:** The Board voted unanimously to approve a partial bond release in the amount of \$82,498.00. (WP, CP, JD, MW, RJ – yes)

## **DISCUSSION:**

### **Item #12:     #67 Broadway**

**Discussion:** Michael Cohen asked for time to discuss a project he would like to pursue at a vacant lot at 67 Broadway. He presented elevation drawings, floor plans, and draft site plans to the Board. He would like to construct a typical 3 story building with ground floor commercial and two living units on the upper two floors. He is aware that Historic Landmarks and Heritage Area Commission approval are required in the Rondout district. He stated that he is also aware of the parking requirements and stated that he could accommodate 2 parking spaces in the rear of the building to be accessed from West Union Street, behind the adjacent building under the same ownership at the corner.

J. Korn asked if he planned to condo the building. M. Cohen said that condos were a possibility because he would like to sell half of the building and retain half for himself. He added that if condos proved to be too difficult, he would like to sell the building with a 69 year lease which would allow him to stay.

The Board gave a positive response to the elevation drawings but explained that they would not provide any decisions until a formal application was submitted.

Possible variances that may be required are for parking and lot coverage. HLPC and HAC review and approval are also required.

M. Cohen stated that he would likely submit an application and return to the Board for the January 2015 Planning Board meeting.

## **OTHER BUSINESS:**

**Item #13:** Meeting with the Conservation Advisory Council (CAC) to have discussion on initiatives being pursued by the CAC. The Board needs to provide dates of availability.

S. Cahill stated that she would send out an option for meeting dates. The Board will receive training credit for the time.